

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GERONIMO MEJIA,

Petitioner,

v.

TRENT ALLEN,

Respondent.

Case No. 1:23-cv-01730-KES-CDB (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
PETITION FOR WRIT OF HABEAS
CORPUS WITHOUT PREJUDICE FOR
PETITIONER'S FAILURE TO PROSECUTE
AND FAILURE TO OBEY COURT ORDERS

Doc. 17

Geronimo Mejia is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. 1. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 24, 2025, following a preliminary screening of the petition, the assigned magistrate judge ordered petitioner to file an amended petition to remedy certain identified deficiencies. Doc. 15. When petitioner failed to timely comply with the Court's screening order or make any other filing by the deadline, the magistrate judge issued findings and recommendations, recommending dismissal without prejudice for petitioner's failure to obey court orders and failure to prosecute this action. Doc. 17. Those findings and recommendations were served upon petitioner and contained notice that any objections thereto were to be filed within fourteen (14) days after service. Petitioner did not file objections and the time to do so has

1 expired.¹

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de
3 novo review of the case. Having carefully reviewed the file, the Court concludes that the findings
4 and recommendations are supported by the record and proper analysis.

5 The Court next turns to whether a certificate of appealability should issue. Generally, a
6 certificate of appealability may be issued under 28 U.S.C. § 2253 “only if the applicant has made
7 a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Where, as
8 here, the petition is dismissed on procedural grounds, a certificate of appealability “should issue
9 only if the prisoner can show: (1) ‘that jurists of reason would find it debatable whether the
10 district court was correct in its procedural ruling’; and (2) ‘that jurists of reason would find it
11 debatable whether the petition states a valid claim of the denial of a constitutional rights.’” *Rosas*
12 *v. Nielsen*, 428 F.3d 1229, 1233 (9th Cir. 2005) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484
13 (2000)). A certificate of appealability is appropriate only where both inquires are satisfied.
14 *Murray v. Schriro*, 745 F.3d 984, 1002 (9th Cir. 2014). Here, petitioner has not made a showing
15 that jurists of reason would find it debatable whether the petition should be dismissed on
16 procedural grounds. Accordingly, the Court declines to issue a certificate of appealability.

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24 ¹ On August 21, 2025, the U.S. Postal Service returned the Court’s mail as “Undeliverable,
25 Return to Sender, Refused, Unable to Forward, Inactive, No Longer at Salinas Valley State
26 Prison.” The California Incarcerated Records and Information Search (CIRIS) tool produced no
27 results using Petitioner’s first and last name and CDCR Number, indicating Petitioner no longer is
28 in the custody of the California Department of Corrections and Rehabilitation (CDCR). See
<https://ciris.mt.cdcr.ca.gov/results?lastName=mejia&firstName=geronimo> &
<https://ciris.mt.cdcr.ca.gov/results?cdcrNumber=BR5345> (last visited August 27, 2025).
Nevertheless, the Court’s service is deemed fully effective pursuant to Local Rule 182(f).

1 Based upon the foregoing, the Court ORDERS:

- 2 1. The findings and recommendations issued on August 6, 2025, Doc. 17, are
3 ADOPTED in full.
- 4 2. The petition for writ of habeas corpus, Doc. 1, is DISMISSED WITHOUT
5 PREJUDICE for failure to prosecute and to obey court orders.
- 6 3. The Clerk of the Court is directed to close the case.
- 7 4. The Court declines to issue a certificate of appealability.
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10 IT IS SO ORDERED.

11 Dated: August 28, 2025


UNITED STATES DISTRICT JUDGE